

## § 89.906

## 40 CFR Ch. I (7–1–04 Edition)

control procedures that will be employed to assure that the engines are used for purposes consistent with paragraph (a) of this section.

[59 FR 31335, June 17, 1994, as amended at 63 FR 57022, Oct. 23, 1998]

### § 89.906 Manufacturer-owned exemption and precertification exemption.

(a) Except as provided in paragraph (b) of this section, any manufacturer-owned nonroad engine, as defined by § 89.902, is exempt from § 89.1003, without application, if the manufacturer complies with the following terms and conditions:

(1) The manufacturer must establish, maintain, and retain the following adequately organized and indexed information on each exempted engine:

- (i) Engine identification number,
  - (ii) Use of the engine on exempt status and
  - (iii) Final disposition of any engine removed from exempt status; and
- (2) The manufacturer must provide right of entry and access to these records to EPA authorized representatives as outlined in § 89.506.

(3) Unless the requirement is waived or an alternate procedure is approved by the Director, Engine Programs and Compliance Division, the manufacturer must permanently affix a label to each nonroad engine on exempt status. This label should:

- (i) Be affixed in a readily visible portion of the engine,
- (ii) Be attached in such a manner that cannot be removed without destruction or defacement,
- (iii) State in the English language and in block letters and numerals of a color that contrasts with the background of the label, the following information:

(A) The label heading “Emission Control Information;”

(B) Full corporate name and trademark of manufacturer;

(C) Engine displacement, engine family identification, and model year of engine; or person of office to be contacted for further information about the engine;

(D) The statement “This nonroad engine is exempt from the prohibitions of 40 CFR 89.1003.”

(4) No provision of paragraph (a)(3) of this section prevents a manufacturer from including any other information it desires on the label.

(b) Any independent commercial importer that desires a precertification exemption pursuant to § 89.611(b)(3) and is in the business of importing, modifying, or testing uncertified nonroad engines for resale under the provisions of subpart G of this part, must apply to the Director, Engine Programs and Compliance Division. The Director may require such independent commercial importer to submit information regarding the general nature of the fleet activities, the number of nonroad engines involved, and a demonstration that adequate record-keeping procedures for control purposes will be employed.

[59 FR 31335, June 17, 1994, as amended at 63 FR 57022, Oct. 23, 1998]

### § 89.907 Display exemption.

Where an uncertified nonroad engine is a display engine to be used solely for display purposes, will only be operated incident and necessary to the display purpose, and will not be sold unless an applicable certificate of conformity has been received or the engine has been finally admitted pursuant to subpart G of this part, no request for exemption of the engine is necessary.

### § 89.908 National security exemption.

(a)(1) Any nonroad engine, otherwise subject to this part, which is used in a vehicle that exhibits substantial features ordinarily associated with military combat such as armor and/or permanently affixed weaponry and which will be owned and/or used by an agency of the federal government with responsibility for national defense, will be considered exempt from these regulations for purposes of national security. No request for exemption is necessary.

(2) Manufacturers may request a national security exemption for any nonroad engine, otherwise subject to this part, which does not meet the conditions described in paragraph (a)(1) of this section. A manufacturer requesting a national security exemption must state the purpose for which the exemption is required and the request must be endorsed by an agency of the federal